

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:)	
)	Chapter 11
RS FIT NW LLC,)	
)	Case No. 20-11568 (KBO)
Debtor.)	
)	(Jointly Administered)
<hr/>)	
)	
24 HOUR FITNESS WORLDWIDE, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
CONTINENTAL CASUALTY COMPANY;)	Adv. Pro. No. 20-51051 (KBO)
ENDURANCE AMERICAN SPECIALTY)	
INSURANCE COMPANY; STARR SURPLUS)	
LINES INSURANCE COMPANY; ALLIANZ)	
GLOBAL RISKS US INSURANCE COMPANY;)	
LIBERTY MUTUAL INSURANCE COMPANY;)	
BEAZLEY-LLOYD'S SYNDICATES 2623/623;)	
ALLIED WORLD NATIONAL ASSURANCE)	
COMPANY; QBE SPECIALTY INSURANCE)	
COMPANY; and GENERAL SECURITY)	
INDEMNITY COMPANY OF ARIZONA,)	
)	
Defendants.)	
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**PROPERTY INSURER DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND
INCORPORATED MEMORANDUM OF LAW**

EXHIBIT A-9

*Excerpts from the Deposition of Dan Larson - 30(b)(6)
(4/28/2022)*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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In Re Chapter 11
24 HOUR FITNESS WORLDWIDE, Case No. 20-11558 (KBO)
INC., et al,

Debtors.

24 HOUR FITNESS WORLDWIDE,
INC.,

Plaintiff,
vs.

CONTINENTAL CASUALTY
COMPANY, et al.,
Defendants.

DEPOSITION OF 24 HOUR FITNESS WORLDWIDE, INC.

by and through 30(b)(6) Witness DAN LARSON

Thursday, April 28, 2022

7:30 a.m. PST

U.S. Legal Support - Remote Videoconferencing
Wilmington, Delaware

STENOGRAPHICALLY REPORTED BY:

CARRIE HEWERDINE, RDR, CSR No. 4579

JOB #6135197

1 A Well, based on the scheduled cleaning,
2 that was the timeframe that was provided to us from
3 the cleaning agency, as far as when we could return
4 to service after cleaning was complete.

5 Q What evidence, if any, does the company
6 have that there was COVID on or at the Oregon
7 premises?

8 MR. O'CARROLL: Objection to form.

9 THE WITNESS: You know, there was COVID
10 within the -- all the communities that we operated
11 within. Being deemed a world pandemic by the World
12 Health Organization, or WHO, we reasonably assumed
13 that COVID was in the club.

14 BY MR. HADDAD:

15 Q Sir, I wasn't asking for your assumptions
16 for communities. I was asking: What evidence, if
17 any, does the company have that there was COVID on
18 or at the Oregon premises?

19 MR. O'CARROLL: Objection to form.

20 THE WITNESS: The reporting of the
21 positive from the member -- or team member.

22 BY MR. HADDAD:

23 Q And that was just a presumption, correct?

24 MR. O'CARROLL: Objection to form.

25 THE WITNESS: That was the medical

1 mark it as Exhibit 8.

2 (Deposition Exhibit No. 8

3 marked)

4 MR. HADDAD: It's Bates-stamped 24 HF
5 195724.

6 THE WITNESS: I have Document M, as in
7 Mary.

8 BY MR. HADDAD:

9 Q That's a 3/16/2020 email at 10:50 p.m.,
10 correct?

11 A Yes, that is what it shows.

12 Q Prior to yesterday, had you ever seen this
13 document before?

14 A Yes, I had.

15 Q When did you see this document prior to
16 yesterday?

17 Let me rephrase that.

18 Did you see this in connection with
19 preparing for the deposition?

20 A Yes, I did.

21 Q And had you seen this in or about March of
22 2020?

23 A I'm not on this email, so I don't recall
24 seeing this prior to.

25 Q Okay. Who's the KBS team referenced in

1 this email?

2 A KBS was our third-party janitorial
3 contractor that we used for cleaning our clubs
4 nationally.

5 Q Did they do every club?

6 A To the best of my knowledge they did all
7 of our clubs, yes.

8 Q Okay. Do they still do your work?

9 A KBS is no longer a vendor for 24 Hour
10 Fitness.

11 Q When did KBS cease being a vendor?

12 A I believe -- I don't have the exact date,
13 but it was -- I believe May -- April, May, June
14 timeframe of 2020.

15 Q Are the recipients of this email, Jay
16 Garcia and Matt Adame, officers or senior people at
17 KBS?

18 A They were the point of contacts for
19 24 Hour Fitness. I don't know their titles.

20 Q In the email that Mr. Piro sent he wrote,
21 quote, Please be advised that due to all of the gym
22 closures required by the government related to the
23 COVID-19 virus outbreak, all of our clubs will close
24 tonight at midnight, unquote.

25 Do you see that?

1 You're correct.

2 Let me rephrase the question. Thank you.

3 BY MR. HADDAD:

4 Q Sir, with respect to each of the items in
5 Column N, titled "Second COVID Closure Date," was
6 each facility that closed on the dates indicated
7 closed as a result of a government order?

8 MR. O'CARROLL: Objection to form.

9 THE WITNESS: No, sir.

10 BY MR. HADDAD:

11 Q Which ones were not closed pursuant to a
12 government order, Column N?

13 A It looks like Clubs 870, 637, 573, 694,
14 208, 387, 673, 366, 658, and 676 were not closed for
15 government. It was, according to the document, a
16 lease rejection.

17 Q Other than lease rejections, were any of
18 the facilities that were closed under Column N on
19 the dates indicated under "Second COVID Closure
20 Date," closed for any reason other than government
21 orders?

22 MR. O'CARROLL: Objection to form.

23 THE WITNESS: Not to my knowledge.

24 BY MR. HADDAD:

25 Q All right. Now, I'd ask you to look at

REPORTER'S CERTIFICATE

I, CARRIE HEWERDINE, RDR, California
CSR No. 4579, Certified Shorthand Reporter, certify;

That the foregoing proceedings were taken
before me at the time and place therein set forth,
at which time the witness was put under oath by me;

That the testimony of the witness, the
questions propounded, and all objections and
statements made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative
or employee of any attorney of the parties, nor
financially interested in the action.

I declare under penalty of perjury under
the laws of California that the foregoing is true
and correct.

Dated this 2nd day of May, 2022.

Dated this 2nd day of May, 2022.


CARRIE HEWERDINE, RDR
CA CSR No. 4579 / NV CCR No. 820 / NM CCR No. 521